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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,650	12/30/2003	Lee Delson Wilhelm	19,927	6898

23556 7590 08/08/2006

KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

98

Office Action Summary	Application No.	Applicant(s)	
	10/748,650	WILHELM, LEE DELSON	
	Examiner	Art Unit	
	Marc Jimenez	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-16-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-10-05, 5-5-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 6-16-06 is acknowledged.
2. Claims 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 1-3 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Galber (US 2338635).

Galber teaches a surface containing at least one embossing element; the embossing element having a first sidewall angle 7' and a second sidewall angle 9; and wherein the first sidewall angle 7' is different than the second sidewall angle 9.

Regarding claim 2, Galber teaches a pair of exterior first sidewalls 9 disposed at a first sidewall angle and a pair of interior second sidewalls 7' separated by a gap 6', the pair of interior second sidewalls 7' disposed at a second sidewall angle, and wherein the first sidewall angle is different from than the second sidewall angle.

Regarding claim 3, the embossing element comprises a male embossing element as shown in figure 5.

Regarding claim 14, note that Galber teaches a metal roll (col. 1, line 2).

6. **Claims 4-11** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Galber.

Regarding claim 4, as shown in figure 5, Galber teaches that the first sidewall angle at reference numeral 7' (the reference numeral 7' at the left side in figure 5) is much larger than the very steep second sidewall angle 9 (the reference numeral 9 at the far left side of figure 5). Therefore, the first sidewall angle is greater than the second sidewall angle by "about" 5 degrees or more, wherein the first sidewall angle is greater than the second sidewall angle by "about" 15 degrees or more, the second sidewall angle is about 10 degrees or less, the second sidewall angle is about 5 degrees or less. As shown in figure 5, the first sidewall angle is about 10 degrees or

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more. The first sidewall angle is about 15 degrees or more. It is noted that because of the scale and accuracy of the drawings, the claimed angle features are shown by Galber. Alternatively, if Galber does not teach the specific angles claimed, it would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed angles of the sidewalls, in order to provide a surface having the desired characteristics.

Regarding claims 8 and 11, note that Galber teaches a metal roll (col. 1, line 2).

7. **Claims 12, 13 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Galber.

Galber teaches the invention cited above with the exception of the particular gap between the sidewalls. It would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed gap between the sidewalls, in order to provide a surface having the desired characteristics.

8. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Galber in view of Schulz (US5597639).

Galber teaches the invention cited above with the exception of having a radius for the first and second sidewalls.

Schulz teaches that it is known to round areas of embossing areas (col. 12, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

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invention, to have provided the invention of Galber with a radius for the first and second sidewalls, in light of the teachings of Schulz, in order to create an emboss pattern that is less sharp as suggested by Schulz (col. 12, line 22).

9. **Claims 1-14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (US6302998) in view of either one of Galber or Kishimi et al. (US2004/0026239A1).

Burgess teaches a pair of exterior first sidewalls disposed at a first sidewall angle (in figure 5, the embossing roller **252** has a sidewall to the left of reference numeral **270** and a sidewall to the right of reference numeral **271**, these sidewalls form a pair of exterior first sidewalls) and a pair of interior second sidewalls (the sidewalls to the right and left of reference numeral **269** form a pair of interior second sidewalls) separated by a gap **269**. It appears from figure 5 that the angles of the first and second sidewalls are the same.

However, embossing rolls come in various shapes and sizes. For example, Galber teaches interior angles **7'** in figure 5 that are different than exterior angles **9**. Also, Kishimi et al. teach interior angles (to the left and right of reference numeral **24** in figure 5B) that are different than exterior angles (see for example, the sidewall to the right of reference numeral **27** in figure 5B).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Burgess with first angles that are different from the second sidewall angles, in light of the teachings of either one of Galber or Kishimi et al., in order to provide an embossing surface having the desired embossing design.

Regarding the limitation pertaining to the specific angles, it would have been an obvious

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matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed angles of the sidewalls, in order to provide a surface having the desired characteristics.

Regarding the limitations pertaining to the particular gap between the sidewalls. It would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed gap between the sidewalls, in order to provide a surface having the desired characteristics.

10. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of either one of Galber or Kishimi et al. as applied to claim 2 above, and further in view of Schulz.

Burgess/Galber or Burgess/Kishimi et al. teach the invention cited above with the exception of having a radius for the first and second sidewalls.

Schulz teaches that it is known to round areas of embossing areas (col. 12, lines 20-22).

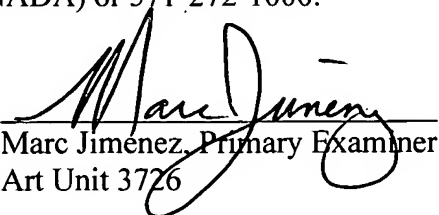
Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Burgess/Galber or Burgess/Kishimi et al. with a radius for the first and second sidewalls, in light of the teachings of Schulz, in order to create an emboss pattern that is less sharp as suggested by Schulz (col. 12, line 22).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marc Jimenez, Primary Examiner
Art Unit 3726

MJ
7-31-06